

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *JG* D.C.
05 OCT 26 AM 9:18

THOMAS & BETTS CORPORATION,)
Plaintiff,)
vs.) No. 02-2953-Ma/An
HOSEA PROJECT MOVERS, LLC,)
Defendant.)
HOSEA PROJECT MOVERS, LLC)
Counter-Claimant,)
vs.)
THOMAS & BETTS CORPORATION,)
Counter-Defendant.)

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENNESSEE
MEMPHIS

ORDER GRANTING PLAINTIFF'S MOTION TO QUASH
SUBPOENA *DUCES TECUM*

Before the Court is Plaintiff/Counter-Defendant Thomas & Betts Corporation's Motion to Quash Subpoena Duces Tecum filed on September 19, 2005. United States District Judge Samuel H. Mays, Jr., referred the Motion to the United States Magistrate Judge for determination. For the following reasons, the Motion is **GRANTED**.

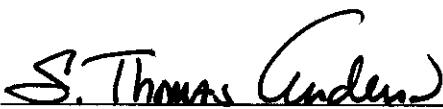
Plaintiff/Counter-Defendant filed the present Motion in response to Defendant/Counter-Plaintiff's subpoena *duces tecum* served on Plaintiff/Counter-Defendant's counsel on September 15, 2005. The subpoena *duces tecum* commands the production of all bills of lading and

shipping documents related to the shipment of Plaintiff/Counter-Defendant's Die Casting Machine Nos. 2 and 14 by Defendant/Counter-Plaintiff. Plaintiff argues that under Rules 34 and 45 of the Federal Rules of Civil Procedure subpoenas are to be issued to non-parties, not parties, that the subpoena is redundant because Plaintiff/Counter-Defendant has already responded to a request for bills of lading, and that the subpoena constitutes discovery and the discovery deadline expired on May 1, 2005. Defendant/Counter-Plaintiff failed to file a response to the motion as required by Local Rule 7.2(a)(2). "Failure to timely respond to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion." Local Rule 7.2(a)(2).

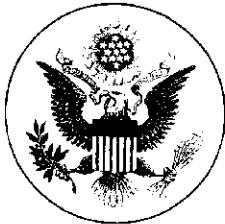
Therefore, for good cause shown and because Defendant/Counter-Plaintiff failed to respond to the Motion, Plaintiff/Counter-Defendant's Motion is **GRANTED**.

ANY EXCEPTIONS TO THE MAGISTRATE'S REPORT SHALL BE MADE WITHIN TEN (10) DAYS OF THE REPORT, SETTING FORTH WITH PARTICULARITY THOSE PORTIONS OF THE ORDER EXCEPTED TO AND THE REASONS FOR THE EXCEPTIONS.

IT IS SO ORDERED.



S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE
Date: October 24, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 227 in case 2:02-CV-02953 was distributed by fax, mail, or direct printing on October 26, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT